

# Report – Freedom Applications Committee

## The Honorary Freedom

*To be presented on Thursday, 12<sup>th</sup> September 2019*

*To the Right Honourable The Lord Mayor, Aldermen and Commons  
of the City of London in Common Council assembled.*

### **SUMMARY**

This report updates the Court on the deliberations of the Freedom Applications Committee regarding the Honorary Freedom.

Following the passing of a motion at Court of Common Council in January 2019, the Freedom Applications Committee commenced the process which could lead to the removal of the Honorary Freedom awarded to Aung San Suu Kyi in 2017. In accordance with this process, the Freedom Applications Committee was required to deliberate on how to proceed. The Freedom Applications Committee has considered a way forward with regards to the Honorary Freedom awarded to Aung San Suu Kyi and is now making a recommendation to the Court of Common Council in accordance with the agreed process relating to the removal of the Honorary Freedom.

### **RECOMMENDATION**

It is recommended that the Honorary Freedom awarded to Aung San Suu Kyi be suspended.

### **MAIN REPORT**

#### **Background**

1. At the meeting of the Court of Common Council on 12 October 2017, a Motion was considered in relation to the award of the Honorary Freedom. As a consequence of these discussions, the Freedom Applications Committee was instructed to undertake a review of the processes associated with the award of the Honorary Freedom, as well as the introduction of a process by which the Honorary Freedom might be rescinded. These procedures were devised and endorsed by the Court of Common Council on Thursday 13 September 2018.
2. It was agreed by the Freedom Applications Committee, and subsequently the Court of Common Council, that the process to remove an Honorary Freedom should be: -
  - a) The Freedom Applications Committee considers the initial proposal to remove and either rejects it, or resolves to inform the Honorary Freeman of the proposal to remove the Freedom, together with the reasons for the proposal, and invites their comments on it. The Freeman must be provided with sufficient information to permit them to give proper consideration to the

proposal and make representations and they must be given a reasonable time to respond e.g. 28 days.

- b) The Freedom Applications Committee then considers the Freeman's response, if any, together with all other relevant considerations and decides whether to proceed. The Freeman should be notified of the Committee's decision and of the date the matter will be considered by the Court where appropriate.
  - c) Taking account of the Committee's deliberations, all the relevant matters are put before a confidential meeting of Common Council for its consideration. While it is suggested that the power to decide not to recommend removal should rest with the Committee, it has an inherent discretion to refer such a decision to Court in particularly sensitive cases or where it is otherwise desirable to do so. Whilst the Freeman will not be invited to make further representation at this stage, should any be made they should be submitted to the Court.
3. Resulting from a Court Question at its meeting in December 2018, the Court of Common Council was given notice that a proposal to commence the process by which an Honorary Freedom could be removed would be put to the Court as a Motion at its meeting on 10 January 2019.
  4. At the January meeting, the Chairman of the Freedom Applications Committee advised that the process required the Honorary Freeman to be given the reasons for any proposed revocation, and that Members should indicate reasons which they think might be conveyed to the Honorary Freeman, before outlining reasons for and against revocation. During the subsequent discussion, a number of Members spoke in opposition to the Motion, whilst a number spoke in support of the Motion.
  5. Arguments advanced against the Motion included concerns about the unknown nature of circumstances in Burma and the limitations around Aung San Suu Kyi's freedom to speak; the risk of diverting attention away from those directly responsible for ordering acts; diverging media reports around the world; concerns about acting precipitately; disquiet about revisiting past decisions; and noting that the individual had been highly thought of globally at the time of the award, being the recipient of multiple honours.
  6. Equally, many arguments were made in support of the Motion, including the need to recognise and respond to ongoing atrocities; to rectify previous decisions which would not be repeated if the current circumstances were known; to act morally and take responsibility for decisions taken in error; and to be decisive and cease prevaricating.
  7. Arising from the discussion at this meeting, the Motion was carried and consequently the Freedom Applications Committee commenced the process to remove an Honorary Freedom.
  8. The full terms of all motions and resolutions of the Court are set out in an appendix to this report.

### **Current Position**

9. The Freedom Applications Committee has actively monitored the situation and discussed the Honorary Freedom at Committee meetings since November 2017, also receiving multiple briefings from the Remembrancer.
10. The Committee has been clear that any decision taken, and the timing of implementing that decision, should be directed at effectiveness, impact and outcome in Burma, rather than here. It was felt that the Government was actively monitoring the situation too and was very keen to ensure that whatever steps were taken were directed at the right target and have the right effect.
11. The Motion passed on 10 January 2019 was considered to supersede the first part of the process as set out above – initial consideration of the possibility of revocation by the Freedom Applications Committee – and the Committee moved – “forthwith” – to inform the Honorary Freeman of the proposal to remove the Freedom, together with the reasons for the proposal, and invite their comments on it. The remainder of the defined process would then ensue.
12. An update was given to the Court of Common Council at its meeting in March 2019, wherein the Court was advised that the Freedom Applications Committee had begun the process by dispatching a letter to the Honorary Freeman informing her of the proposal and the rationale, inviting her comments on it. A response was awaited. The Committee would consider, in due course, the next steps in the process in light of any response received, or none.
13. A reasonable time was allowed for the receipt of any response. After this time, the Freedom Applications Committee was mandated to consider any response together with all relevant considerations and decide whether to proceed.
14. At its meeting on 30 July 2019, the Freedom Applications Committee deliberated over all relevant considerations before deciding on a recommendation to be put to the Court of Common Council.
15. It was felt that the Committee had four options for recommendations to the Court of Common Council; to do nothing, to make a public statement without revocation, to revoke the Honorary Freedom, or to suspend the Honorary Freedom awarded to Aung San Suu Kyi, until it was concluded that circumstances had changed.
16. The Committee had no confirmation that the letter informing the Honorary Freeman of the proposal to remove the Honorary Freedom had been transmitted to Burma by the Embassy of the Republic of the Union of Myanmar in London, who had returned the letter to Guildhall. Accordingly, the letter had been taken to Burma and put into the domestic postal service.
17. As a result, whilst the Committee had discharged its obligation, it had no proof that the Honorary Freeman had received the letter. As the Embassy had opened the letter, it was possible that its contents were known and had been communicated, but the absence of proof of receipt impacted on the agreed process for removing an Honorary Freedom.

18. Further communications had indicated that there had been no reason to think that the situation had changed in Burma or neighbouring Bangladesh, although recent material from the United Nations, whilst consistent with regards to the situation, had criticised the Tatmadaw rather than Aung San Suu Kyi.
19. Whilst the Committee could conclude that the overall message had not been well-received, there were barriers to communicating with the Honorary Freeman and the case should be judged in this context and the circumstance interpreted appropriately.
20. This was a particularly difficult situation, and there had to be some acceptance that neither the Freedom Applications Committee nor the Court of Common Council could have a full picture of the situation in Burma. However, the Court of Common Council had moved to begin the process that could lead to revocation and a decision was required.
21. Whilst the principles of natural justice dictated that the Honorary Freeman should have the opportunity to respond, Members needed to accept the reality of this case.

### **Proposal**

22. During their deliberation, the Committee discussed the idea that the complex circumstances surrounding the particular case raised the possibility of a suspension of the Honorary Freedom, as there were barriers to completing the agreed process to a satisfactory and appropriate standard and to having sufficient knowledge of the situation in Burma and, in particular, the position of the Honorary Freeman. The option to suspend was, therefore, consistent with the nature of the circumstances.
23. The inclusion of an option for suspension would allow an opportunity to complete the agreed process to a satisfactory level. It would also allow for a further decision to be made either way, should additional relevant evidence be forthcoming.
24. Suspension of the Honorary Freedom represented significant and substantial action, and was also unprecedented. Suspension would be a significant and symbolic step which demonstrated the City of London Corporation's view of events in Burma.
25. The situation in Burma should be condemned in the most absolute terms, but it remained that it was difficult to judge Aung San Suu Kyi personally without knowledge of her level of responsibility.
26. Given the absence and uncertainty of her ability to reply, in accordance with the principles of natural justice there should arguably be some reluctance to judge her case to the point of removing a personal honour, given her record.
27. Aung San Suu Kyi's personal record should be set against Burma's long and complicated history and entrenched system of military control. This did not make the current situation better nor any more acceptable, but there could be legitimate concerns about the City of London Corporation judging Aung San Suu Kyi

personally from their position, particularly without sufficient knowledge of the background and context of her position.

28. Account needs to be taken of the view of countries in the same region as Burma which, in one case, appears to be surprise that, in taking action in respect of the Honorary Freeman, the City was exhibiting a lack of appreciation of the situation in Burma, where criticism of the military could lead to the Honorary Freeman's renewed house arrest and loss of any gains already made, while bringing no benefit to the Rohingya.

### **Conclusions**

29. Arising from the Committee's deliberations, the Committee agreed, having discussed the matter at length and acknowledged the points raised by Members of the Court of Common Council, that it should recommend to the Court of Common Council that the Honorary Freedom should be suspended.
30. If the recommendation is accepted it would be the first time that the City of London Corporation had taken such action and the decision would not have been taken lightly. It would be taken because the City of London felt that the situation in Burma, and the position taken by the Civilian Government, and Aung San Suu Kyi as State Counsellor, not to speak out against the atrocities, went against the spirit of the award.
31. The Freedom Applications Committee therefore recommends that the Honorary Freedom awarded to Aung San Suu Kyi be suspended and seeks the Court's endorsement of this recommendation.

All of which we submit to the judgement of this Honourable Court.

DATED this 30<sup>th</sup> day of July 2019.

SIGNED on behalf of the Committee.

**Sir David Wootton, Alderman**  
Chairman, Freedom Applications Committee

### **Resolution of the Court of Common Council, 12 October 2017**

*Resolved* – That the deep regret of this Honourable Court be expressed at the ongoing violence in Myanmar and the oppression of that country's minority Rohingya population. Further, its considerable disappointment be expressed that Aung San Su Kyi, Myanmar's Foreign Minister and State Counsellor, Nobel Laureate and Honorary Freeman of the City of London had not appeared to challenge the conduct of her armed forces to end their humanitarian crisis.

That the concerns expressed by several Honourable Members be noted at the timing of and the process leading to the grant to Aung San Suu Kyi, Myanmar's Foreign Minister and State Counsellor, of the Honorary Freedom.

*Further resolved* – That:-

- (a) The Freedom Applications Committee be instructed to review the process by which proposals for the Honorary Freedom are promulgated and brought before the Court;
- (b) Measures be taken to ensure that any future procedure allows for wide informal and confidential consultation with Members prior to any proposal being made officially, and certainly before the proposed recipient is sounded out about the honour;
- (c) To establish whether, once awarded, this Honorary Freedom may be removed, and if so, by what procedure;
- (d) In the event the Court does not currently have a procedure to revoke an Honorary Freedom once granted, then the relevant steps be taken to address this lacuna and consideration is given to implementing and documenting such a procedure; and
- (e) The Ambassador for Myanmar be written to, expressing the Court's profound concern about the current situation in his country and a wish that Aung San Suu Kyi, Myanmar's Foreign Minister and State Counsellor, plays a more active role to end the humanitarian crisis.

**Resolution of the Court of Common Council, 13 September 2018**

*Resolved* – That the Court of Common Council:

- note that the Freedom Applications Committee had deliberated over the processes for awarding and removing the Honorary Freedom; and
- endorse the respective procedures for the award and revocation of the Honorary Freedom agreed by the Freedom Applications Committee, as set out in the report.

**Resolution of the Court of Common Council, 10 January 2019**

*Resolved* - That this Honourable Court expresses its regret as the minority Rohingya population suffering persecution still await justice, especially as the international world continues to call for justice and most recently the call to bring the generals of the Myanmar army to justice for genocide.

*Further resolved* - That:

1. The Freedom Applications Committee commences, forthwith, the process to revoke the Honorary Freedom granted to Aung San Suu Kyi in May of 2017.
2. The Freedom Applications Committee provides an update to the Court at the March meeting.